

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 7 2005 ★

VIRGIN RECORDS AMERICA, INC., a California corporation; WARNER BROS. RECORDS INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; UMG RECORDINGS, INC., a Delaware corporation; and BMG MUSIC, a New York general partnership, :
Plaintiffs, : Filed Electronically
: P.M. _____
-against- : TIME A.M. _____
GARRY KARBINER, :
Defendant. : x

[PROPOSED] DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Two Hundred Ninety-Five Dollars (\$295.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Girls Dem Sugar," on album "Art And Life," by artist "Beenie Man" (SR# 284-383);
- "Holler," on album "Forever," by artist "Spice Girls" (SR# 289-357);
- "Express Yourself," on album "Like a Prayer," by artist "Madonna" (SR# 106-808);
- "The Message," on album "It Was Written," by artist "Nas" (SR# 220-016);
- "Total Eclipse of the Heart," on album "Faster than the Speed of Night," by artist "Bonnie Tyler" (SR# 50-641);
- "The Flyest," on album "Stillmatic," by artist "Nas" (SR# 305-698);
- "Extasy," on album "Rule 3:36," by artist "Ja Rule" (SR# 270-080);
- "All I Need To Know," on album "All I Need to Know," by artist "Kenny Chesney" (SR# 208-984);
- "Don't Tell Me," on album "Music," by artist "Madonna" (SR# 285-828);
- "Sweet Lady," on album "Tyrese," by artist "Tyrese" (SR# 237-788);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has

downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED:

6/28/05

By:

s/David G. Trager

Hon. David G. Trager

United States District Judge